IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.W.P. No.7597 of 2007
Date of decision: May 18,2007

Baldev Singh V. Financial Commissioner and others

CORAM: HON'BLE MR.JUSTICE P. SATHASIVAM
HON'BLE MR.JUSTICE RAJIVE BHALLA

Present: Shri Amandeep Singh Badal, Advocate, for the petitioner.

P.Sathasivam,J.(Oral)

The petitioner, whose claim was considered and rejected by all the three authorities, has filed the above writ petition.

Heard the learned counsel for the petitioner.

After taking us through the orders passed by the authorities, learned counsel for the petitioner has submitted that the petitioner was not heard by the Financial Commissioner i.e. first respondent herein and he may be given an opportunity to put forth his stand.

After going through the order of the original authority as well as subsequent orders of the appellate and revisional authorities, we are unable to accede to the request of the petitioner. The matter relates to the appointment of a Lambardar. The applications of the petitioner as well as respondents No. 4 to 6 were considered by the third respondent. The order dated 19.3.2007 of the third respondent shows that all the applicants were heard. Their record and antecedents were considered. After analysis of the relevant material, the Collector has preferred fourth respondent as according to him he is more popular in the villager and extending his service to the society while doing work of the development of the School as a member of the School Development Committee. He also stated that his claim has been recommended by Assistant Collector Ist Grade

(Sub Divisional Magistrate), Bathinda. After considering the above additional factors, the Collector preferred fourth respondent and selected him as Lambardar.

The said order was challenged by the petitioner by filing an appeal before the second respondent who also considered the merits and de-merits of all the applicants and confirmed the order of the original authority.

Being not satisfied with the order of the appellate authority, the petitioner preferred revision petition before first respondent. No doubt, at the time of hearing the matter, the petitioner did not appear before the Financial Commissioner. However, the Financial Commissioner after considering the relevant material from the record agreed with the conclusion arrived at by the original authority. It is not the case of the petitioner that it is a non-speaking order. On the other hand, a perusal of the order of the first respondent clearly shows that he considered all relevant factors. In a matter of this nature, when the original authority on perusal of relevant material arrived at a conclusion, we are of the view that interference by this court in exercising jurisdiction under Article 226 of the constitution is very limited.

No other point has been urged.

In view of the above, we find no merit in this petition and the same is dismissed.

(P. SATHASIVAM)
JUDGE

May 18,2007 (RAJIVE BHALLA)
sks JUDGE